

GENERAL ORDINANCE NO. 9-13

AN ORDINANCE
REPEALING CHAPTER 11,
GREEN BAY MUNICIPAL CODE,
RELATING TO THE REGULATION
OF RESTAURANTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 11, Green Bay Municipal Code, is hereby repealed.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 16th day of April, 2013.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Kris Teske
Clerk

JLM:bc

Attachment – Chapter 11 Being Repealed

04/03/13

CHAPTER 11

RESTAURANTS

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11.01 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) **RESTAURANT.** Restaurant means restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, nursing-home kitchen, church kitchen, and any other public eating and drinking establishment, as well as any kitchen in which food and drink are prepared for sale elsewhere to the public.

(2) **ITINERANT RESTAURANT.** Itinerant restaurant means a restaurant operating temporarily in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(3) **EMPLOYEE.** Employee means any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

(4) **UTENSILS.** Utensils mean kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(5) **HEALTH COMMISSIONER.** Health Commissioner means the Health Commissioner of the City or an authorized representative.

11.02 **ENFORCEMENT.** This chapter shall be enforced by the Health Commissioner in accordance with standards adopted by the City Board of Health, a certified copy of which standards shall be on file in the City Clerk's Office and in the City Health Department.

11.03 **PERMIT.**

(1) **PERMIT REQUIRED.** No person shall operate a restaurant in the City who does not possess an unrevoked permit and in whose place of business such permit is not posted in a conspicuous place, except the Health Commissioner may exempt a person conducting an itinerant restaurant in connection with a philanthropic society, a one-day event, or the like from such requirement. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit.

(2) **APPLICATION FOR PERMIT.** An application for permit shall be made to the Board of Health and shall state the name and address of the person applying for the permit and such other information as the Board of Health may require.

(3) **APPROVED APPLICATIONS.** When application is approved by the Board of Health, the permit shall be granted by the Council and issued by the Clerk. This permit shall be valid from January 1 through December 31 of the year in which it is issued.

(5) **SUSPENDED OR REVOKED PERMIT.** Such permit may be suspended or revoked by the Mayor or Council upon the recommendation of the Board of Health. The holder of the permit shall be granted an opportunity for a due process hearing before the Board of Health upon such suspension or revocation.

11.04 **ITINERANT RESTAURANTS.** Itinerant restaurants shall be constructed and operated in a manner approved by the Health Commissioner.

11.05 **EXAMINATION AND CONDEMNATION OF FOOD OR DRINK.** Samples of food and drink may be taken and examined by the Health Commissioner as often as deemed necessary for the

detection of unwholesomeness or adulteration. The Health Commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which the Commissioner deems unwholesome or adulterated.

11.06 **INSPECTION.**

(1) At least once every six months the Health Commissioner shall inspect every restaurant in the City. If the Health Commissioner discovers a violation of any provision of this chapter, an order shall be issued to correct the violation. Failure to obey the order on two consecutive inspections shall be cause for immediate suspension of the permit.

(2) One copy of the inspection report shall be posted by the Health Commissioner within the restaurant and shall not be defaced or removed by any person except the Health Commissioner. Another copy of the inspection report shall be filed with the Board of Health.

11.07 **SANITATION REQUIREMENTS.** All restaurants shall comply with all of the following requirements:

(1) **FLOORS.** The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be smooth-surfaced and easily cleaned and shall be kept clean and in good repair.

(2) **WALLS AND CEILINGS.** Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be light colored. The walls and ceilings of all rooms in which food or drink is prepared or utensils are washed shall have smooth, washable surfaces.

(3) **DOORS AND WINDOWS.** When flies are prevalent, all openings into the outdoors shall be effectively screened and all doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(4) **LIGHTING.** All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

(5) **VENTILATION.** All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(6) **TOILET FACILITIES.** Every restaurant shall be provided with adequate and conveniently located toilet facilities, conforming with City and State law, for its employees and patrons. Toilet rooms shall not open directly into any kitchen or storeroom. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. If privies or earth closets are permitted and used, they shall be separate from the restaurant building and shall be constructed and operated in conformity with the standards of the State Department of Health.

(7) **WATER SUPPLY.** The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe sanitary quality.

(8) **LAVATORY FACILITIES.** Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is

prohibited. No employee shall resume work after using the toilet room without first washing his or her hands.

(9) **CONSTRUCTION OF UTENSILS AND EQUIPMENT.** All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be easily cleaned and in good repair.

(10) **CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT.**

(a) Equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(b) Utensils. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purposes.

(c) Use of Poisonous Substances Prohibited. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(11) **STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT.** After bactericidal treatment, no utensils shall be stored except in a clean, dry place protected from flies, dust, or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(12) **STORAGE AND DISPLAY OF FOOD AND DRINK.** All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food or drink is prepared or stored.

(13) **WASTES.** The premises of all restaurants shall be kept clean and free from litter or rubbish. All wastes shall be properly disposed of and all garbage and trash shall be kept in suitable receptacles in such a manner as not to become a nuisance. See Ch. 9, Green Bay Municipal Code.

(14) **REFRIGERATION.** All readily perishable food or drink shall be kept at or below 50° F. except when being prepared or served. Meat and food shall not be placed in direct contact with ice. Waste water from refrigeration equipment shall be properly disposed of.

(15) **CLEANLINESS OF EMPLOYEES.** All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(16) **NOT TO BE CONDUCTED IN LIVING QUARTERS.** No operation connected with a restaurant shall be conducted in any room used as living or sleeping quarters.

11.08 **WHOLESOMENESS OF FOOD AND DRINK.** All food and drink shall be wholesome and free from spoilage. All foods served raw, including vegetables, shall be thoroughly washed in clean, safe water. Contents of cans must be removed from such cans when they are opened. All milk, fluid milk products, and ice cream and other frozen desserts shall be from sources approved by the Health Commissioner. Milk and fluid milk products shall be served in the containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device. All oysters, clams, and mussels shall be from approved sources.

11.09 **COMMUNICABLE DISEASE.**

(1) NOTIFICATION OF DISEASE. Notice shall immediately be sent to the Health Commissioner by the restaurant owner or manager or by the employee concerned if the owner or manager or any employee contracts any infectious, contagious, or communicable disease or has a fever, a skin eruption, a cough lasting more than three weeks or any other suspicious symptom. Any such employee shall notify the restaurant owner or manager immediately when any of such conditions obtain; and if neither the owner, manager, nor the employee concerned notifies the Health Commissioner immediately when any of such conditions obtain, they shall be held jointly and severally to have violated this section.

(2) TYPHOID CARRIERS NOT TO BE EMPLOYED. NO person who has had typhoid fever shall be employed in a restaurant or kitchen or as a handler of food or food materials until it has been determined by appropriate tests that such person is not a typhoid carrier.

11.10 **PROCEDURE WHEN INFECTION SUSPECTED.** When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the Health Commissioner may require any or all of the following measures:

(1) The immediate exclusion of the employee from all restaurants.

(2) The immediate closing of the restaurant concerned until, in the opinion of the Health Commissioner, no further danger of disease outbreak exists.

(3) Adequate medical examinations of the employee and those associated with such person, with such laboratory examinations as may be indicated.

11.11 **AMENDMENT TO STANDARDS.** Amendments to the standards shall be in accordance with the following methods:

The Board of Health may, from time to time, amend, supplement, or change the standards of this chapter. No such change or amendment shall be made except after notice of the proposed changes and of a hearing thereon by publication of a Class 1 notice under Ch. 985, Wis. Stats., in the official newspaper and after an opportunity to any person interested to be heard. Such amendments shall not take effect until published in the official newspaper.

11.15 **PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order adopted hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code.